

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

TS02-1240
(N1085-90159)

First named inventor: Ming-Hung Tseng et al.

Application No.: 10/759,670

Art Unit: 2834 Confirmation No. 8590

Filed: 01/16/2004

Examiner: Thomas M. Dougherty

Title: PIEZOELECTRIC O-RING TRANSDUCER

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity-fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 500.00 (37 CFR 1.17(l))
2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of an amendment (identify type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Steven E. Koffs
Signature

5-31-06
Date

Steven E. Koffs

37,163

Typed or printed name

Registration Number, if applicable

Duane Morris LLP

215-979-1250

Address

Telephone Number

30 South 17th St, Philadelphia PA 19103-4196

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ming-Hung Tseng et al.

Confirmation No.: 8590

Serial No.: 10/759,670

Group Art Unit: 2834

Filed: January 16, 2004

Examiner: Dougherty

For: **PIEZOELECTRIC O-RING TRANSDUCER**

I hereby certify that this correspondence is being deposited electronically with the U.S. Patent and Trademark Office

May 31, 2006
Date
Steven E. Koffs
Steven E. Koffs, Registration No. 37,163

STATEMENT OF STEVEN E. KOFFS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Steven E. Koffs state the following:

1. I am an attorney of record in this application. A power of attorney was given to all practitioners associated with customer number 08933 in a document filed in the U.S. Patent and Trademark Office (USPTO) on January 28, 2005. I am associated with customer number 08933. The power of attorney document also requested that the correspondence address for the application be changed to customer number 08933.
2. According to the normal procedures for our department, any USPTO correspondence received by Duane Morris for this application would have been docketed and then forwarded to me.
3. On April 5, I received a telephone call from Examiner Dougherty, asking whether we had filed a reply to the Official Action dated September 13, 2005.

4. Prior to receiving the Examiner's call, I was not aware that an Official Action had ever been mailed.
5. I reviewed our original application folder. No Official Action or reference to any Official Action was in the file.
6. Duane Morris maintains an electronic docket of all transactions with the USPTO, using the PatriciaTM system by Patrix. All communications from the USPTO are sent to our docketing paralegal, and are docketed before they are placed in the folder. I reviewed our docketing system record for this application. There was no indication that any Official Action had ever been received before April 5, 2006.
7. Attached hereto is a copy of the docket log for this application from our PatriciaTM docket system. The record shows the entry related to the Official Action was created on April 6, 2006, the day after I spoke with Examiner Dougherty. There was no record of any Official Action received in our office prior to April 5.
8. I noted that the mailing address on the Official Action is listed as the address of Taiwan Semiconductor Manufacturing Co. (TSMC), the assignee of this application. Although the power of attorney filed January 28, 2005 requests that the correspondence address be changed to customer number 08933, PAIR lists the correspondence address as the address of TSMC.
9. I immediately contacted Joy Chou, the paralegal in the intellectual property department at TSMC who is responsible for procedural matters relating to this application, and inquired whether they had ever received the Official Action.
10. On April 6, 2006, I received a reply from Ms. Chou, indicating that she had made an inquiry and reviewed their copy of the application file; there was no record of the Official Action at TSMC. A copy of Ms. Chou's statement is being submitted with the petition that my statement accompanies.
11. After reasonable inquiry, I was unable to find anyone associated with prosecution of this application who had received or seen the Official Action before April 5, 2006, or was aware that an Official Action had been mailed.
12. The entire delay from the due date for reply to the Official Action until the filing of this petition was unavoidable.

Respectfully submitted,

DATE: 5-31-06


Steven E. Koffs, Reg. No. 37,163
Attorney for Applicant

Diary Log for Case: P13863US00

Printed: 4/7/2006

Log Date	Type	From	Diary Line Text	Data	Login Id
4/6/2006 11:40:28	Add	Diary	1st OA Mail Date	9/13/2005	CXL009
12/13/2004 12:57:36	Add	Diary	IDS Filed	12/2/2004	JRV009
12/13/2004 12:57:26	Change	Diary	Assignment Recordation Date	1/16/2002	JRV009
12/13/2004 12:57:18	Add	Diary	Assignment Reel/Frame No.	014919/0222	JRV009
12/13/2004 12:57:12	Add	Diary	Assignment Recordation Date	1/16/2000	JRV009
12/13/2004 12:56:47	Add	Diary	Application No.	10/759,670	JRV009
12/13/2004 12:56:42	Add	Diary	Application Date	1/16/2004	JRV009
12/13/2004 12:55:13	Add	Copy Case	Date Created	12/13/2004	JRV009
12/13/2004 12:55:12	Add	Copy Case	Responsible Office	Philadelphia	JRV009

End of report

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ming-Hung Tseng et al.

Confirmation No.: 8590

Serial No.: 10/759,670

Group Art Unit: 2834

Filed: January 16, 2004

Examiner: Dougherty

For: **PIEZOELECTRIC O-RING TRANSDUCER**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date

Steven E. Koffs, Registration No. 37,163

STATEMENT OF JOY H.Y. CHOU

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Joy H.Y. Chou, state the following:

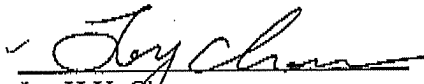
1. I am an intellectual property paralegal, working in the Intellectual Property Department of Taiwan Semiconductor Manufacturing Co. ("TSMC"). TSMC is the assignee of this patent application.
2. I am responsible for handling procedural matters at TSMC related to this patent application. I normally see all communications from and to the U.S. Patent and Trademark Office ("USPTO") relating to this patent application.
3. According to the normal procedure, all original communications from the USPTO are mailed to our attorneys in the U.S.. Our attorneys send us copies. We do not normally receive communications related to our patent applications directly from the USPTO.

Attorney Docket No.: TS2002-1240
[N1085-90159]

4. On April 6, 2006, I received an email from our attorney, Steven Koffs, forwarding a copy of an Official Action from the USPTO, dated September 13, 2005. The mailing address on the Official Action is the address of a TSMC facility in Hsin-Chu, Taiwan, where the Intellectual Property Department office is located. Mr. Koffs asked whether anyone in the Intellectual Property Department had received a copy of the Official Action previously.
5. I reviewed the contents of our file. Our file did not have a copy of the Official Action. There was no indication in our file that an Official Action was ever received from the USPTO or from our attorneys before April 6, 2006.
6. We use a computer tracking system to track the due dates for items to be filed in the USPTO, including replies to Official Actions. There was no record of the Official Action in our tracking system.
7. I asked the other workers in the Intellectual Property Department whether anyone was aware of ever having seen the Official Action from this application before that day (April 6, 2006). No one told me that they had ever seen it before.
8. I cannot find any indication that the Official Action was ever received by anyone at TSMC before Mr. Koffs sent it to me on April 6.

Respectfully submitted,

DATE: Apr. 21, 2006


Joy H.Y. Chou
Intellectual Property Paralegal